

Exhibit A

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,
INC., individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**DECLARATION OF TAYLOR T.
SMITH IN SUPPORT OF
STIPULATION TO EXTEND THE
DEADLINE TO COMPLETE ADR
PROCESS**

Judge: Hon. Edward M. Chen
Courtroom: 5
Complaint Filed: September 11, 2019

I, Taylor T. Smith, declare as follows:

1. I am an associate attorney with the law firm Woodrow & Peluso, LLC and an attorney of record for Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante").

2. On September 11, 2019, Plaintiff filed the instant action against Defendant alleging wide-scale violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA" or "Act"). (Dkt. 1.) Specifically, its prohibition against placing unsolicited telemarketing calls using an automatic telephone dialing system ("ATDS"). (*Id.*)

3. On January 14, 2020, the Court issued its Initial Scheduling Order, which required the Parties to complete an ADR process by July 30, 2020. (Dkt. 37.)

4. On June 26, 2020, the Court extended the ADR deadline until August 31, 2020. (Dkt. 50.)

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STIPULATION FOR EXTENSION
RE: ADR PROCESS

5. Thereafter, the Parties' continued to exchange numerous proposed mediators.

6. Eventually, the Parties agreed to engage in a full-day mediation with the Hon. Edward A. Infante of JAMS.

7. After receiving Judge Infante's availability, the Parties conferred and agreed to attend a mediation session on September 22, 2020, which was the earliest available date that worked for all Parties.

8. To accommodate the Parties' scheduled mediation, the Court extended the deadline for the Parties to complete the ADR process until September 22, 2020. (Dkt. 56.)

9. On September 22, 2020, the Parties appeared for the mediation session via Zoom webinar.

10. Following a few hours of discussions, the Parties and the mediator agreed to reschedule the mediation session until October 13, 2020. The additional time will enable the Parties to engage in productive settlement discussions.

11. The proposed extension will not affect any deadlines established by the Court. Further, it is not sought for an improper purpose.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 22, 2020, in Denver, Colorado.

By: /s/ Taylor T. Smith.

Taylor T. Smith*

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